



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, August 16, 2016

Room 200, Municipal Council Chambers

351 West Center

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Kim Santiago
Council Member Vernon K. Van Buren
Council Member David Harding
Council Member David Knecht
Council Attorney Brian Jones
Council Executive Director Clifford Strachan

Council Member Gary Winterton
Council Member David Sewell
Council Member George Stewart
Mayor John R. Curtis
CAO Wayne Parker

Conducting: Council Chair Kim Santiago

Invocation and Pledge

Prayer and Pledge: Lauren Manzione

Dixon Neighborhood Report - Robbie Potter

Robbie Potter, Dixon Neighborhood Chair, gave a brief presentation on the recent Dixon Annual Day of Service. Mr. Potter pointed out that the Dixon Neighborhood was the face of Provo for those entering the city from the I-15 Center Street exit. The service project centered on cleaning up yards, painting fences, and cleaning out gutters along Center Street. The Dixon Neighborhood had several businesses that were great partners with the residents. They donated funds and products to help with the service project. Mr. Potter said they also used matching grant funds from the neighborhood grant program to repair sidewalks. Mr. Potter said the best thing about their neighborhood was the people that lived there.

Approval of Minutes – July 19, 2016 and August 2, 2016

Motion: Council Member David Harding moved to approve the July 19, 2016 and August 2, 2016 council meeting minutes. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Presentations, Proclamations and Awards

1. The Good Citizen Award, presented by the Provo Police Department

Chief King reported that the Provo Police Community Policing Team and businesses work together to help fight crime. The staff at Rite Aid discovered some senior abuse taking place. With training from the police, they began asking seniors why they were making certain purchases, such as gift cards and money orders. They found that a lot of the senior citizens were victims of scams. Rite Aid was able to save the victims more than \$10,000.

Chief King presented the Good Citizen Award to Rite Aid manager Kyle Walrath and his staff.

2. Employee of the Month for July 2016, presented to Chris Cooper, Human Resources

John Borget, Administrative Service Director, presented the Employee of the Month Award for July 2016 to Chris Cooper, Human Resources. Ms. Cooper had been with Provo City for 33 years. She was an outstanding employee, very personable and professional. In her position with Provo City she focused on recruitment, policy development/maintenance, affirmative action, harassment investigation, and Police and Fire entry level and promotional testing. She worked closely with departments to manage the thousands of applicants for 400 to 500 city positions each year. Ms. Cooper and her husband Greg enjoyed travelling and spending time with their grandchildren.

3. A presentation by the Covey Center - ImprovBroadway

Paul Duerden, Covey Center for the Arts Manager, announced that ImprovBroadway would be opening a new facility on 900 East this fall. The group gave a brief performance for the council and citizens.

Public Comment

Scott Brady, representing Maple Mountain Brewing Company, stated they were trying to get a start in East Bay and asked the council what their concerns would be. He said they were not a bottling company and citizens would not be allowed to purchase directly from their business. They were located next to a church but, since they did not sell to the public, it was legal. Chair Santiago asked him to contact council members directly to get their input.

Richard Tucker, north Provo, stated he was an avid user of garage sales every Friday and Saturday. He expressed concern that signs advertising garage sales were left up for weeks after the sale. He asked the council to enact policy that signs needed to be removed within 24 hours of the sale. If not removed within 24 hours they should be fined \$1,000 with no warnings given.

Cheryl Jacobs, Provo, agreed with the previous speaker that garage sale signs should be taken down soon after the sale. Her purpose for attending the meeting that night was to ask that the city enforce the noise ordinance. She lived in a home on 500 North and a nearby business had loud, jarring noises during the weekend. She had called the police as many as 15 times some weekends to have them enforce the noise ordinance. She stated she called four times last Saturday night and it took the police two hours before they came out. She had spoken with the

owner of the business but they did nothing to try to accommodate the residents. The city had an ordinance and the police should be enforcing it.

Melanie McCoard, Provo, noted that Mayor Curtis had said he would try to move people around who had been serving on boards and commissions. There were many citizens that wanted to serve and, when it was time to rotate, Mayor Curtis was going to look for others to serve. The city seemed to put a lot of white males on our committees and the mayor said he would work hard to break that trend. Ms. McCoard said many of those on the list of board appointments that night would be reappointments, including four white male Planning Commission members. She said there were many people with the skill set and interest that would like to be on the Planning Commission, including herself. She wanted to be appointed to the Planning Commission so she could raise the bar on developments in the city and also carry out the council's policies. She said there were six or seven other women that had the expertise to serve on the Planning Commission.

Tosh Metzger, Provo, supported the Maple Mountain Brewing Company and felt it would diversify the business model in Provo.

There were no more public comments.

Council Items and Reports

4. Introduction of Jonathan Crosland, recommended appointee to the Board of Adjustments and Lauren Manzione, recommended appointee to the Housing Authority. (16-101)

Chair Santiago stated it was the council's intent to meet proposed board members and get to know them before they were appointed to boards and commissions. She invited Jonathan Crosland and Lauren Manzione to introduce themselves to the council.

Jonathan Crosland grew up on a turkey farm in Moroni. He wanted to serve because of the example of his father who served for 25 years in Moroni as the mayor and also on the city council. He saw the positive effect his father had on the community and he wanted to make a difference in Provo.

Lauren Manzione grew up in Salt Lake. She worked part-time as the volunteer coordinator at Community Action and Food Bank. It was important for her to be involved and to understand the issues that people were facing. She wanted to see the issues from different perspectives, such as mothers, students, and professionals and to offer her point of view as well.

Mayor's Items and Reports

5. Resolution 2016-35 consenting to the appointment of individuals to various boards and commissions (16-101)

Mayor Curtis presented. He noted that last year eight of the ten vacant board appointments were filled by women. This year there were 13 new positions with eight of those filled by women. He is often approached by people that would like to serve and it was important that appointees have experience and an open mind. There was a role for activists in the community that would fight for certain issues. But there was also a role for people that would study issues and not take sides.

Motion: Council Member Gary Winterton moved to approve **Resolution 2016-35** consenting to the board appointments as written. The motion was seconded by Council Member David Sewell.

Mayor Curtis noted the council did not feel they were getting adequate information about proposed board appointments. A new process was implemented which allowed council members the opportunity to meet prospective board members before their appointment. Council members expressed appreciation for the opportunity to meet and get to know the citizens being asked to serve on boards and commissions.

Chair Santiago called for a vote on the motion to approve the board appointments.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

6. Resolution 2016-36 authorizing a perpetual license agreement for right-of-way access related to Lakeview Parkway. 16-096)

David Graves, Public Works Division Director – Engineering, presented. Several weeks ago Mr. Graves met with the Stubbs family in a mediated session to negotiate a settlement on a property issue related to the Westside Connector project. The Stubbs family had a significant portion of property that was split by the new road. As part of the settlement the City agreed to allow gated access to the Stubbs property from the north and south sides of the roadway. The Stubbs family legal counsel asked that the agreement be formalized in the form of a perpetual license agreement. The license agreement also allowed the Stubbs family to utilize a 24-inch conduit (placed underneath the roadway) for a pressurized irrigation pipe.

Motion: Council Member David Knecht moved to approve **Resolution 2016-36** authorizing a perpetual license agreement for the right-of-way access related to Lakeview Parkway. The motion was seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

7. Ordinance 2016-22 amending the Wastewater Fees on the Provo City Consolidated Fee Schedule. (16-097)

Jimmy McKnight, Public Works Management Analyst III, presented. The proposed amendment represented a change in philosophy concerning the wastewater utility rates for multi-unit residential and commercial properties. The current rate included a base rate of \$8.66 for each connection regardless of the number of units associated with the multi-unit complex. In theory, the base rate should be used to cover operating costs as well as the impact of each connection to the sewer system. Since the current rate was evenly applied to all connections it did not address the impact that a business or a multi-unit apartment complex might have compared to a single family residential home. The second component to the wastewater rates was the commodity charge (\$2.40 per 1,000 gallons) used to meet the demands of the sewer system at the wastewater treatment plant. The proposed ordinance would address both of those issues.

The council asked Public Works to prepare and discuss options for a phased implementation of sewer base rates per unit for residential customers and per meter size for commercial customers. The eventual goal would be to cover the operating system with the base rates and to more evenly distribute the burden to all sewer users, thereby reducing the burden to single family homes.

Public Works recommended that the residential component of the base rate be charged per unit, not just per connection. A multi-unit complex would pay per unit instead of just per connection. On the commercial side the base charge would be based on meter size. Using a recommendation from the American Water Works Association (AWWA) a multiplier would be used to determine the potential flow of the water meter which would help determine the potential impact of the meter on the sewer system.

Mr. McKnight said the plan was to implement a 10-50-90 phased rate increase over a three year period because of the impact on multi-unit housing and commercial customers. The proposed 10-50-90 implementation for multi-unit residential complexes would include an initial increase equal to 10 percent of the single family base charge, effective January 1, 2017 for Fiscal Year 2017. The second increase would be equal to 50 percent of the base charge and would be effective July 1, 2017 for FY 2018. The third increase would bring the per unit charge up to 90 percent of the single family base rate. A copy of the proposed rates for each year will be attached to the permanent minutes.

The proposed 10-50-90 implementation for commercial properties:

- FY 2017 – 90 percent of current charge plus 10 percent of what charge would be if fully implemented now.
- FY 2018 – 50 percent of FY 2018 single family charge plus 50 percent of what charge would be if fully implemented in FY 2018.
- FY 2019 – 100 percent of FY 2019 single family charge for 5/8” meters, AWWA multiplier applied to larger sizes.

The council was also given the option of selecting 10-90 or 10-90 accelerated plans which would have implemented the rate increases during a two year period rather than three. Mr. McKnight clarified that the single family rate increases would stay with the five year timetable as previously presented to the council with the 10-50-90 and 10-90 implementation plans. The 10-90 accelerated plan would shorten the family rate increases to a two year timetable.

Mr. McKnight presented the following forecasted base rate revenue for the three options:

	FY 17	FY18	FY19	FY20
10-50-90	\$2.03 M	\$3.05 M	\$4.65 M	\$5.34 M
10-90	\$2.03 M	\$3.09 M	\$4.80 M	\$5.34 M
10-90 Accelerated	\$2.03 M	\$5.34 M	\$5.34 M	\$5.34 M

Chair Santiago invited public comment. There was no response to the request.

During council discussion the following issues and concerns were addressed:

- Single family homes comprise 50 percent of the total wastewater connections and multi-unit housing was 34 percent. Even though the number of commercial connections was fewer, the amount of wastewater created had a large impact on the system.

- Single family residential units were all treated the same whether they had a 5/8" or 1" connection.
- The 10-90 implementation plan would keep the planned five year residential increases but the multi-units would increase 10 percent the first year and 90 percent the second year and every year thereafter.
- The 10-90 accelerated plan would reduce the five year residential increases to two years.
- The multi-units had been subsidized for so many years by the single family connections that it shouldn't take more than one year for multi-year owners to adjust to the increased fees.
- The accelerated plan would provide additional revenues sooner for infrastructure needs.
- The length and terms of current commercial lease agreements might raise a concern if either of the 10-90 plans were implemented.
- With the 10-90 plans, the council had the option of making FY 2017 rate increases effective January 1, 2017 and the FY 2018 rate increases effective July 1, 2017 or they could wait until January 1, 2018 to implement the final increase to 90 percent.
- The 10-50-90 implementation plan would give apartment owners time to adjust to the new rates since those increased rates would probably be passed on to the tenants.
- Mr. McKnight pointed out that the Consolidated Fee Schedule Exhibit had the current rates crossed out. We did not want them crossed out if the new rates were being implemented on January 1, 2017 because we would not have any rates from now until then.

Mr. Jones stated he had prepared an amended ordinance which included the 10-50-90 plan with the effective dates as shown in the exhibit. The amendment would leave the current rates in the Consolidated Fee Schedule until January 1, 2017 when the new rates would be effective (per Mr. McKnight's request).

Motion: Council Member David Harding moved to approve the amended **Ordinance 2016-22** as stated and shown by Mr. Jones. The motion was seconded by Council Member David Sewell.

Mr. Jones walked through the amendments to the ordinance.

- Strike through removed from the current Consolidated Fee Schedule and added a sentence that was on the schedule, but not in the ordinance, to make sure the current rate remained.
- The 10 percent increase would be effective January 1, 2017.
- The 50 percent increase would be effective July 1, 2017.
- The 90 percent increase would be effective July 1, 2018.

Motion: Council Member David Harding repeated his motion to adopt the amended **Ordinance 2016-22** as shown on the screen. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 6:1 with Council Members Harding, Knecht, Santiago, Sewell, Van Buren, and Winterton in favor and Council Member Stewart opposed.

Mr. Jones clarified that the motion just approved was to adopt the amended ordinance as currently shown on the screen.

8. Resolution 2016-37 approving the Interlocal Agreement between Provo City and Utah County regarding the use of "Part 19 Tax Revenues." (16-096)

David Graves, Public Works Division Director – Engineering, presented. Mr. Graves explained that a roadway project, called the Provo Westside Connector, was started about three years ago and ran from I-15 out to the airport. During the course of construction it was decided the roadway would be named Lakeview Parkway. The next section of Lakeview Parkway, running from the airport north to Center Street, was the subject of the proposed interlocal agreement.

The proposed agreement with Utah County would reimburse Provo City \$6,617,000 for construction of the section of Lakeview Parkway from the airport to Center Street. The source of funding was the third quarter cent sales tax through Utah County. The Utah County Commission approved a resolution to enter into this agreement with Provo City.

Motion: Council Member Vernon K. Van Buren moved to approve **Resolution 2016-37** approving the interlocal agreement between Provo City and Utah County. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 6:0 with Council Members Harding, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor and Council Member Knecht excused.

Chair Santiago proposed discussing Item No. 16 next.

16. An ordinance amending Provo City Code to modify yard definitions and the requirements for minimum lot widths and require yards for corner lots. (16-0008OA)

Brian Maxfield, Provo City Planning Supervisor, requested that this item be continued until staff could make sure they were in compliance with design standards.

Motion: Council Member Vernon K. Van Buren moved to continue this item to the September 6, 2016 work meeting. The motion was seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

9. Resolution 2016-38 approving an Impact Fee Funding Agreement with the Redevelopment of Provo City authorizing the use of tax increment in the South Downtown Community Development Project Area. (16-099)

David Walter, Redevelopment Agency Director, presented. This item would memorialize a previously approved arrangement for the city to collect tax increment to be generated from the City View Apartments. The tax increment money would be used to pay the impact fees, estimated at \$692,000, for all departments in the city (Parks, Energy, Water, etc.). If the tax increment was insufficient to meet the obligation over a 12 year period the developer, or

successor of interest, would pay the difference. The developer, PEG Development, would like to use any excess funds to pay some of their other fees.

Mr. Van Buren noted that there had been some discussion in the past about the purpose of tax increment financing. The purpose was to pursue economic development initiatives, eliminate blight, enhance residential opportunities for cities, provide a vibrant downtown, etc. He was going to vote against the proposal because he felt we had reached a point where we needed to consider how much tax increment we offer in the downtown. He felt all of those things would happen without offering the tax increment funding.

Mr. Jones stated this transaction had been a three step process. The council approved an agreement between PEG Development a couple of months ago that allowed them to use tax increment to pay the impact fees. A few weeks ago, in another council meeting, both the RDA and Provo City approved the tax increment financing for this project. The proposed resolution would require the RDA to give the tax increment as it was collected to Provo City to cover the impact fees, rather than giving the funds to PEG Development.

Several council members agreed with Mr. Van Buren's concerns but felt we had already made the commitment to provide tax increment financing to the developer. Since this was a market rate project it was a little different from other projects that had received the tax increment. The resolution was merely formalizing what we had already agreed to and allowed the city to receive the funds rather than having the funds stay with the RDA.

Motion: Council Member Gary Winterton moved to approve **Resolution 2016-38** as written. The motion was seconded by Council Member George Stewart.

Roll Call Vote: The motion passed 6:1 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, and Winterton in favor and Council Member Van Buren opposed.

10. Resolution 2016-39 approving an Interlocal Agreement with the Redevelopment Agency of Provo City authorizing the use of tax increment in the Aviation Services Community Development Project Area. (16-094)

Mr. Walter stated this resolution would allow the RDA to collect the city's portion of the tax increment for the Duncan Aviation development at the airport. Duncan Aviation would put \$75 to \$80 million of capital investment in and around the Provo Airport as well as hire 400 to 600 people over the course of a number of years. Duncan Aviation was a maintenance repair and overhaul facility that focused on private jets. The RDA would use the funds to construct a \$7 million concrete ramp to be used by Duncan Aviation for their clients. Interlocal agreements with the other taxing entities would be presented for approval later in the meeting.

In response to a question from Mr. Winterton, Mr. Walter reported that the Utah State Incentives Board had approved an incentive package for Duncan Aviation to help purchase capital equipment necessary to meet EPA requirements. The RDA had obtained a grant from the Economic Development Administration for one-half of the \$7 million. The tax increment, and potentially the sale of bonds, would be used to pay the city's portion of the cost. The county and the school district have both indicated they would be willing to participate in the project.

Chair Santiago noted that this agreement had been in the works for more than eight years. Because of the downturn in the economy the development did not happen as quickly as Duncan wanted but the full buildout would supply up to 700 household sustaining jobs.

Mr. Walter said that students in the Provo School District interested in aviation would be given an opportunity to be part of an organization that offered a wide range of skills. It was important to note that this had given Utah Valley University and Mountainland Applied Technology College additional incentives to add air plant and air frame certifications to their offerings.

Mr. Winterton said this would also make a big impact on helping the airport maintain the control tower.

Chair Santiago invited public comment. Melanie McCoard, Provo, stated that the Aviation Services Community Development Project Area had been a brain child of the city's staff back in 1975. The preservation of the area around the airport became a lost cause when the airport master plan was passed 15 years ago. Because of that, she felt the project area should be expanded, not just for Duncan, but for areas all the way to the west (south of Center Street), and south to the property the McCoard's owned. It would make the property more valuable and attractive to commercial developers for airport use. Duncan was getting a very good deal but that privilege should be extended to everyone. The council needed to put preemptive measures in place if they expect to see the kind of development that Mr. Gleason (airport manager) predicted.

Motion: Council Member George Stewart moved to approve **Resolution 2016-39** approving the interlocal agreement with the Redevelopment Agency of Provo City authorizing the use of the tax increment in the Aviation Services Community Development Project Area. The motion was seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Recess as the Municipal Council

Motion: Council Member David Knecht moved to recess as the Municipal Council and convene as the Redevelopment Agency of Provo at 8:00 p.m. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Redevelopment Agency of Provo

- 11. Resolution 2016-RDA-08-16-1 approving Interlocal Agreements with Provo City, Provo School District, Utah County, and the Central Utah Water Conservancy District, respectively, authorizing the collection of tax increment to facilitate the Aviation Services Community Development Project Area. (16-095)**

David Walter, Redevelopment Agency Director, presented. This item was a companion piece to the item just approved by the council. It gave the RDA authorization to enter into interlocal agreements with the Provo School District, Utah County, and the Central Utah Water Conservancy District (CUWCD) to collect tax increment financing for Duncan Aviation. All taxing entities had expressed an interest in this project and recognized the value, not only for Provo City, but for all of Utah County.

Chair Stewart invited public comment. Frank Stubbs, Provo, stated he was in favor of Duncan Aviation and understood they would bring 700 jobs into Provo/Utah County. He said that Brigham Young University provided more than 3,000 jobs in the community and had more than 4,000 apartments. He asked the council to think through some of the actions they were taking. The council was giving Duncan Aviation tax break after tax break but BYU, who had been in the community for years and helped establish this city, would have an additional \$1 million per year burden placed on them because of the recent wastewater fee increase.

There were no more public comments.

Motion: Board Member David Harding moved to approve **Resolution 2016-RDA-08-16-1** as written. The motion was seconded by Board Member Gary Winterton.

Roll Call Vote: The motion passed 7:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

12. Resolution 2016-RDA-08-16-2 of the Governing Board of the Redevelopment Agency of Provo City approving an Impact Fee Funding Agreement with Provo City authorizing the use of tax increment in the South Downtown Community Development Project Area. (16-098)

Mr. Walter stated this was the companion piece to the previously approved resolution for PEG Development. It reaffirmed the decision to allow Provo City tax increment to be used to pay the impact fees for the City View Apartments project in downtown Provo.

Motion: Board Member Gary Winterton moved to approve **Resolution 2016-RDA-08-16-2** as written. The motion was seconded by Board Member David Knecht.

Roll Call Vote: The motion passed 6:1 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, and Winterton in favor and Board Member Van Buren opposed.

Adjourn as the Redevelopment Agency

Motion: Board Member David Harding moved to adjourn as the Redevelopment Agency and reconvene as the Municipal Council at 8:07 p.m. The motion was seconded by Board Member David Knecht.

Roll Call Vote: The motion passed 7:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Policy Items Referred from the Planning Commission

13. An ordinance amending the Zone Map Classification of real property generally located at 965 South 1600 West from Agricultural (A1.1) to Single-Family Residential (R1.8). Sunset Neighborhood. (15-0014R)

Robert Mills, Provo City Planner, presented. The proposed ordinance would approve an amendment to the zone map classification of approximately 15.5 acres at 965 South 1600 West from A1.1 to R1.8 and allow development of a 51 lot subdivision. The general plan designation for the entire area was residential. Staff felt the application met the requirements of the general plan. The proposed development would average 3.3 units per acre, well below the specified four units per acre. Access into the development would be on 1600 West and on 690 South. The Planning Commission forwarded a positive recommendation to the council. A traffic study was conducted in response to neighborhood concerns about increased traffic volume on 1600 West. Results of the study found the development would not have a negative effect on area traffic.

Mr. Mills said the applicant would sell the lots to builders rather than develop the property himself. Anyone purchasing the lots would be made aware that building outside the buildable area would not be approved. All lots would be buildable but the applicant would make sure that prospective buyers could not apply for variances on odd shaped lots.

In response to neighborhood concerns about children walking to Sunset Elementary along 1600 West the developer, working with Public Works, would provide road improvements to 1600 West along the side of their development. The improvements would include a striped pedestrian path on the east side of the roadway. The developer would pay for the cost of road improvements. Mr. Mills stated that further improvements to the roadway, to make it a collector road, would be development driven.

Mr. Knecht stated that the concern with road improvements being development driven was that all the easy parcels would be developed first and other development, which would require purchasing homes, would come later. That would leave a bottleneck in the area.

Chair Santiago invited the applicant, Alan Prince, to comment. Mr. Prince stated that the current Provo City ordinance affecting this development should be honored and met. He said he had never had a development where they had voluntarily given more and received less credit for having done so. The proposed improvements to 1600 West had been planned years ago. He was told that even without the proposed development, 1600 West was slated to be enlarged to a 66 foot road. They were willing to donate \$5,000 to paint stripes along the east side of 1600 West, even though it was not their road. Public Works had also asked them to push the road to the east. By doing so, it pushed the road 15 feet onto their property, even though they were not required to. The purpose of moving the road would be to affect the fewest number of existing homes if, and when, 1600 West was widened. He noted that they did not get the additional 15 feet along the side of the road for free; the developer would be absorbing those costs. They also agreed to shift the road on the north side of the development. The extra cost of improving the two roadways into the development (per the city's request) was more than \$100,000 the developer would be absorbing.

Mr. Prince also stated the area did not have adequate storm drainage. They had contacted the adjacent landowners and all but one of them agreed to give them an easement to allow storm drainage into the Dry Creek drainage. Rather than make an issue of it, they secured the necessary public easements to allow the development of a storm drain system along 1600 West from 1150 South to the new Lakeview Parkway. They were not charging the city for the easement that cost them \$100,000. He stated that the city came back and requested that the developer increase the size of the storm drain pipe, from 18 inches to 36 inches, at an additional cost of \$135,000. When they started adding up all the improvements they were making it came to about \$5,000 to \$6,000 per lot that would come directly out of the developers pocket.

Mr. Prince stated that any developer connecting to the storm drain they were putting in would be required to pay them a connection fee. He offered to donate those funds to the city to use as needed to widen 1600 West. He was told by the staff that he would not need a development agreement because the R1.8 zone mandated certain things. He offered to enter into a development agreement to formalize the additional contributions they would be making in the area.

Chair Santiago invited Brian Taylor, Sunset Neighborhood Chair, to comment. Mr. Taylor stated that the neighborhood understood that development was a given in the area. He commended the developer for meeting with the neighborhood and trying to meet all the concerns and required standards for development in the area. However, the neighbors were very concerned about 1600 West and, even with the proposed improvements, did not feel the road would be safe. There were some areas where the road was so narrow that pedestrians walked in the traffic lanes. The road (as shown on the transportation master plan) had been scheduled for improvements between 2011 and 2015. The road did not have shoulders so any improvements would take property from established homes along the roadway. Also, there were three power poles that would need to be moved if they widened the road. Even with improvements it would not be safe for pedestrians because it was so narrow.

Mr. Taylor explained that with the updated transportation master plan it showed 1600 West improvements from 1150 south to the new Lakeview Parkway but there was a void between 600 South to 1150 South. He asked how the city could approve development in the area if they did not know what they were going to do with that portion of the road. In 2010 there were 1,000 trips per day between 600 South and 1150 South. If they added the development it would increase the trips per day to 1,850 which exceeded the maximum of 1,800 trips per day on a local road.

The Sunset area was a great place to live and he had great neighbors that understood that development would happen eventually. However, the city needed to have a plan for the area and the streets before they approved development.

Chair Santiago invited public comment.

Melanie McCoard, Provo, stated that in Utah vested rights for development came with zoning. Mr. Prince did not have the zoning that he needed yet. The zone change was a change of law and, in order to justify the change, the council needed to establish a public purpose. The proposed development did not accomplish a public purpose. It did not meet many of the council's stated public purposes such as a variety of housing types spread throughout the city, not approving new developments before the area plans were finished, or waiting until the

infrastructure was in place. She did not feel the neighborhood was ready for this rezone. The general plan was overdue for an update, required by law every five years. It took her ten years to subdivide a horse pasture so this developer saying the delay would cause him grief was not reality. The council needed to finish the southwest area plan in order to determine the plans for the area. She agreed that 1600 West needed improvement and the city should make it as big a priority as some of the other roads. Children were as important as cars. Unless the city was willing to buy land and put it into a conservation easement the farmers had the right to sell their land to developers. However, the city could control that development by timing the rezones and insisting that sufficient impact fees were charged. She had shown the plan to Ross Chapin, a pocket neighborhood specialist, and he said it was just a street lined with garage doors. Provo should, at least, require rear access lanes and street oriented porches. If they approved the rezone that night they would be approving the same thing they always had.

Ruth Johnson, 690 South 1600 West, was the oldest resident on 1600 West. She said it was a beautiful place to live. Her home would be one of the homes demolished or the sidewalk would be on her front porch because they did not want to move the utility poles. If they were going to widen the street they needed to consider those residents that had lived on that street since the 1960's. She understood that progress was coming but there needed to be another way rather than destroy homes.

John Bethers, 845 South 1600 West, was one of the newest residents along the road. He lived on property adjacent to the proposed development. He felt an overwhelming sense of rural feeling in his home. He understood that development would happen but he would like to see one acre which would keep the country feel. He worried about the security of his property because of things in his yard that would attract all the neighborhood children. He was concerned about the safety on 1600 West and if the road could handle an additional 850 cars per day. If it were just cars it might not make a difference but with pedestrians it would be dangerous.

Bruce Gammon, 870 South 1600 West, had lived in the area about half of his life. He lived on a dairy farm and used to herd cattle down that road. It was a nice place to live and he could see that development was going to happen. He liked the housing that was proposed in the development. The biggest problem was the increased number of children that would be walking along 1600 West which was not fit for children to walk on. Some residents drove their children to Sunset Elementary because the road was not safe. The individual selling the property to the developer had a child that was almost killed along that road.

Jeff Stubbs, Provo, noted that the Planning Commission said they did not want leap frog development. Well, this was leap frog development. They were told it was a ten acre subdivision during the neighborhood meeting with the developer and now it was a 15 acre subdivision. The road was not safe. He parked his truck along the side of the road and he was told by the police to move it or the vehicle would be towed. The development had 50 homes in the first phase and the developer said he had options on other property for additional phases. They needed to address safety concerns and have a plan before they approved this development.

Peter Hewitt, 1024 South 1600 West, said his biggest concern was the plan for the area. People were not opposed to growth and development but it needed to be the right kind of development for the area. Making 1600 West a five lane road with a turn lane was not an option without taking existing homes out. In future years they might end up connecting 1600 West to Lakeview Parkway but not right now. He felt the city was making it difficult to develop in this area. He

felt that one acre lots were not a viable option. They needed to be no smaller than one-half acre but anything larger made it difficult for development to take place. He had lived in the area since 2004. With six children he still had a couple of young ones going to Sunset Elementary. He never let his kids walk to school. The city needed to step up and make a plan for the future and allow for the correct kind of development to occur, not high density along a road like 1600 West.

Craig Collette, a resident of Provo, was in favor of the proposed development. He was interested in seeing the area grow. As a real estate broker with a local office, he had 74 agents that needed inventory. They needed properties just like this that would allow people to move in and be anchors in the area. With Duncan Aviation coming there would be a lot of jobs and it would be terrible to have the people come and buy a house in another city. It met all the city's requirements and vision for this area. If the city did not approve this they were sending a message to all builders and developers that Provo was not pro development.

Austin Peterson, Gilbert, Arizona, lived in this area during high school. He had business interests that brought him to Provo several days per month. He said they were sending a message that Provo was not open to development. The reality was the city had a world class university with students highly qualified to fill position with world class employers. Many of them would like to live in Provo but they were choosing to live elsewhere because there were not great opportunities for new housing in Provo. He agreed they would be sending a message that developers and builders should not be looking at Provo to build new homes.

Paxton Guymon, legal counsel for the applicant, reminded the council the request was for a rezone, not a site plan or plat approval. Many of the concerns expressed that evening were legitimate concerns that should be resolved at the site plan and plat approval stage. The zoning decisions should be guided by basic standards. The general plan designates this area as residential. The applicant was requesting rezoning approval that would bring it into compliance with the general plan. The planning staff and the planning commission had recommended approval of the project. Mr. Prince had gone to great lengths to resolve infrastructure concerns. Infrastructure did not need to be in place before a development was built, it came into place as projects were approved and developed. This project brought a lot of good to the area, including acquiring rights of way for a storm drain system all the way to the south, not just for this project. The developer would build out the portion of 1600 West that fronted their project. The city could begin collecting impact fees (if they haven't already done so) to build out the rest of 1600 West. This project met the standards for approval. There was a need for this kind of housing product. He encouraged the council to follow the recommendations of the staff and planning commission and grant the rezone request.

Frank Stubbs, Provo, stated that Mr. Prince was only entitled to build 14 homes on that property because it was still zoned A1.1. Also, he was not in compliance with the ordinance because it had not been adopted yet, he would only be in compliance after it was adopted. He and his family owned a seven acre beef producing operation just west of the proposed development. He asked why they were considering a rezone from A1.1 to R1.8 rather than to one-half acre lots. One-half acre lots would allow people to continue agricultural operations, raise a horse, or a few cows. Why were they making such a drastic change? It was difficult to operate his business in Provo but he did it because of his forefathers. He wanted to continue the operation on 1600 West but it was getting more difficult. He asked the council to compromise. He understood the area was going to grow but asked the council to consider what the neighborhood wanted. If they

approved the rezone then Mr. Prince would be entitled to build the development he had proposed. He urged the council to deny this request and look at what they were doing in the area.

Matthew Taylor, Provo, stated that the future of this area impacted the entire city. Mention had been made about the lack of vision by not having a southwest master plan. Previous councils had adopted policies in this area and, until they were superseded by another policy, the general plan would be the standing policy of the council. The Sunset Neighborhood of the general plan stated that the area between 600 South and 1150 South from 1100 West to 1600 West should be developed with uses compatible with a residential designation. It stated that the area should be developed in phases, under multiple ownership, but with an integrated plan for the area as a whole. It stated that it should be developed with a rural character in mind and should incorporate a balanced distribution of lot sizes and should not exceed density limitations. An infrastructure improvement plan needed to be considered for sidewalks, drainage, parks, landscaping, and traffic. Mr. Taylor said there were policies in place and asked the council to consider those as they made a determination.

Rob Sunderlage, Highland, stated he was representing some interested parties and land owners along 1600 West. He agreed that the purpose of the item was an application for a rezone. There were plenty of avenues within the city to discuss the details of new projects. The rezone would be the start of a series of smart development opportunities based on established plans. Growth was always hard but it was also a needed aspect of how a city grew. The right-of-way access from 1600 West to the Westside Connector had already been obtained and was clearly one of the few intersections planned with the Westside Connector. People's idea of good development was subjective so a system was in place for cities to obtain objective input with regard to design and specific development. He was in favor of the development because of the four units per acre, which was what the master plan stated the density should be. Improvements on 1600 West would come one development at a time and the growth had to be there in order to get the infrastructure in place.

Lori Stubbs, 964 S. 1600 W., lived directly west of the proposed development. She had lived on 1600 West for a very long time. She did not let her children walk to Sunset Elementary because the road was not safe. Her oldest son was injured when a truck went by and he ended up in the barbed wire fence. She was not against development in the area but was opposed to what had been proposed. She raised vegetables on 1600 West and sold them at the Farmer's Market and this proposal would affect what they did for a living. Most of the people in the area were not against development. She did not feel the planning commission listened to their concerns. This type of development would fill the area up with houses and it would not be the beautiful, rural area they currently lived in. Putting in a lower density could keep it rural.

Lyndsey Ercanbrack, Orem, stated her parents owned seven of the acres that were being considered. She said during the neighborhood meeting the biggest issue was that 1600 West was unsafe and that people were not letting their children walk on the road. She said that bringing more homes would bring in more money and the ability to make infrastructure to correct the road. It was not worth it for developers to do one-half acre lots.

Janene Weiss, Provo City Recorder, read a comment submitted by Gloria Thomas (comment attached to the permanent minutes). Ms. Thomas was opposed to the zone change proposal. She

believed in progress but felt the area should remain rural with nice homes such as you see further west on Center Street.

In response to a question from Mr. Sewell, Mr. Taylor stated he was involved in the 2009 General Plan update and the Sunset Neighborhood residents were involved in the creation of those policies. He felt it was worth taking a step back and asking what the best development would be for this area. With his background in city planning and design, he felt the proposed development was the typical subdivision and would not add long lasting value to the city. The development would add to traffic especially when 1600 West was connected to the Westside Connector. If the west side was not developed in a way that shortened traffic trips it would cause more traffic problems. There needed to be a plan for the area that considered commercial opportunities, reduced trips, made fiscal sense, was good design, and would add long-term value. At the zoning summit last December the council learned a lot about those principles and about cutting edge developments. If the city did not adopt something soon this discussion would be held over and over again because of pressure for development. The city needed to define what they wanted in that area so developers would know what to expect. He recommended the city develop a west side master plan that utilized innovative and recent developments in city planning and design.

Chair Santiago closed public comment.

Brian Jones, council attorney, said there had been the implication that the council was legally obligated to act on this item. It was true that the council did not have to resolve all the issues about a development before a property was rezoned. However, it did not mean they could not consider them. Approving a zone change was a timing issue. If the council heard information that led them to believe the timing was not appropriate, they could consider that information. The general plan was not mandatory. It was more than just a map; it included standards and statements about each area. Even though the master plan designated a certain zone, it did not specify when it needed to be rezoned so there was no legal obligation to respond to the application. With any rezone, the council had to determine if it was the appropriate zone for a particular piece of property and if it was the appropriate time to rezone. If the answer to both those concerns was yes then it would be appropriate to rezone. If the rezone was not appropriate for the property or if it was not the right time they could articulate those concerns and continue the item or deny the request.

During discussion of the ordinance council members expressed the following:

Mr. Knecht noted that the general plan called for a variety of lot or home sizes and was something that looked at the whole area, not just piecemeal. If the development was approved, besides the safety concerns on 1600 West, the city would just be doing what they had done for years and allowed cookie cutter developments. It would not follow the vision and plan for the future in this area. He felt they needed to pull back to get a broader vision and plan for this area and the west side in general.

Mr. Stewart said it was not about rural or development, it was about safety. For that reason he would vote against the zone change.

Mr. Winterton believed it was an appropriate density because one-half acre lots became more burdensome to the city. He was concerned about the safety. If his concerns about 1600 West

were resolved he did not have a problem with the development. The council needed to get some appropriations for those roads if they wanted to get development in the area and they needed the community help. Roads and sidewalks would cost a lot more than the proposed 15 cent per month property tax increase they were going to ask for. The council needed the citizen's support to raise funds to pay for needed infrastructure.

Mr. Harding said they needed an integrated plan for this area so that when properties were developed they would fit into the larger overall plan. He apologized to Mr. Prince for failing to have an up to date plan for the west side. He felt it would be a mistake to move forward with this rezone before they had that plan in place. They needed to move as quickly as possible to get a plan in place that would create the highest quality of life. Development was coming to the area and he felt the density would need to be more than one-half acre lots. They could not take baby steps by going from acre lots to one-half acre lots. Part of the beauty of the location was that it was close to FrontRunner, the airport, and businesses. He invited all the stake holders to get together, make a plan, and figure out what they want the area to look like in 30 years. It was hard to say, but if people were looking for another 60 years of rural life they might need to move further out from the center of the county. Many of the landowners in the area were ready to sell their land and develop it. As Mr. Taylor and Ms. McCoard had said, there were innovative ways the city could develop the area that might change the nature but would make it a great place to live. He hoped the southwest master plan would incorporate things like green space, agriculture, etc. He hoped it was not R1.8 from the freeway all the way to the lake. If the integrated master plan included a trail system so that children would not have to walk on the streets then future developers could plan for that.

Mr. Sewell noted a development had been proposed that fit the general plan. Planning staff and the planning commission recommended approval. If the council denied it how did the area get developed? He understood the safety concerns but asked how much it would cost to address those concerns. The developer would be making improvements along the section adjacent to his property so the city would only have to improve three blocks. If the road was developed and there was a safe sidewalk there may be a majority of the residents that would support this development.

Mr. Knecht said that since the general plan called for agriculture and green space in this area it might be a good time to work with those that want to continue that type of development in the future. The council was hearing discussions about when and where they would have green space or agricultural left. This area was agricultural and green and some residents, like Mr. Stubbs were doing real agricultural and gardens. This was the perfect time to work with those in the neighborhood wanting to continue with this type of activity and create a plan that incorporated those things. If we can't figure it out in that area we would not have any green space anywhere, it would just be R1.8 all the way to the lake or to the new road.

Mr. Van Buren said he had attended a couple of meetings with the neighborhood and several of the residents had expressed themselves quite well that night. Even though the R1.8 was allowed in the general plan he did not think it helped create a vision for the area. The proposal was for a standard development that maximized the lots but was nothing above and beyond the standard. He felt the timing was wrong with this development because of some of the safety issues on 1600 West and future discussion on green space and agricultural use that needed to be held for this area.

Chair Santiago said they did have a general plan with input from citizens at the time it was created. She agreed we needed to update the plan. The update would go through a similar process by getting input from those that lived there and were invested in the area. The council needed to determine what they would like to see happen in this area but also look at the city as a whole. The west side development was one of the top priorities as a council. When she first saw the development she felt it would be a great addition to the neighborhood, not understanding all the other details. She had driven down 1600 West so she had a sense for how narrow the road was. The residents wanted safety, which meant curbs and sidewalks, but in order to do that they would be in direct conflict with some of the citizens that did not want their property impacted. It was a tough decision to make and adding rooftops to that area would force them to make some of the difficult decisions. The road funds were limited and there were other pressing needs on the west side with the high school going in. They did not have a choice, they had to prepare for what they knew was coming. The southwest plan was a priority and they were trying to get input from residents that live there. For instance, which residents were committed to keeping the area open with green space and which residents wanted to develop their property? She asked if this development increased the health, safety, and welfare of the community. With the safety issues that had been identified the city was not financially prepared to address those issues.

Motion: Council Member George Stewart moved to deny the ordinance amending the zone map classification of real property generally located at 965 South 1600 West from Agricultural to Single-Family Residential. The motion was seconded by Council Member David Harding.

Mr. Winterton said the city had a plan for the area and this proposal met the plan but it was the timing issue. Was this the beginning of the piecemeal?

Mr. Sewell felt it was a good opportunity to get half the road upgraded. He would support this development if the council and administration was willing to make a commitment to finish the last three blocks so children living in the new subdivision would have a safe way to get to school.

Mr. Knecht said he did not see any trails or a variety of lot sizes or homes in the proposed development. He did not see this as being part of a larger plan. If they approved the development it would preclude doing the larger plan, especially with things like trails.

Mr. Harding believed we had a plan to create a plan that was not yet in place. While the development would be piecemeal they could do it now without a long range vision or they could get a plan in place and allow the piecemeal development to come in without the plan.

Chair Santiago called for a vote on the motion to deny the rezone request.

Roll Call Vote: The motion passed 6:1 with Council Members Harding, Knecht, Santiago, Stewart, Van Buren, and Winterton in favor and Council Member Sewell opposed.

14. Ordinance 2016-23 amending Provo City Code to reduce the minimum story height in the General Downtown Zone and change the application of the Transitional Development Standards. Timp Neighborhood. (16-0017OA)

Brian Maxfield, Provo City Planning Supervisor, presented. The proposed ordinance would allow one story buildings in buffer areas around the DT1 zone with a first floor height of 12 feet rather than 14 feet.

Justin Parr, an employee of PEG Development and representing the applicant Juice and Java, was invited to comment. The transitional zone applied to the first 60 feet of a property from the residential zone into the Downtown (DT1) zone. The amendment would allow developers to build a smaller building on property that bordered the DT1 zone in the downtown area if they could not afford to build a large building. The other amendment was to change the first floor ceiling height from 14 feet to 12 feet in one story buildings only. By allowing a shorter building in that 60 foot transitional zone it would allow the neighboring residents to have smaller developments in their back yards.

Mr. Maxfield said that anywhere the DT1 zone bordered a residential zone there was a 60 foot transitional buffer on the DT zone side. Within the 60 foot transitional zones developers were only allowed to build one to three story buildings.

Mr. Maxfield said the proposed ordinance redefined the transitional area from 60 feet to 200 feet in any block that shared residential and DT1 zones. With the change the whole block became the transitional area. Mr. Jones clarified that only the part of the block inside the DT1 zone became the transitional.

Mr. Harding pointed out an area where the residential and DT1 zones were across the street from each other and asked what the transitional area would be. Mr. Maxfield replied that the street would become the buffer. When an entire block was DT1, the 60 foot transition zone on the DT1 side was being eliminated and developers could build up to the full height of that zone right up to the street.

Chair Santiago asked why they needed to remove the 60 foot buffer. Mr. Maxfield replied that they could keep the 60 foot buffer so it would still maximize the three story height.

Chair Santiago asked about pitched or gabled roofs. Mr. Jones said that Provo City Code Section 14.21A.080 had a foot note that stated buildings within the 60 foot buffer zone should be designed with a pitched or gabled roof. That requirement would not be changed.

Mr. Harding was concerned about unintended consequences if they amend the ordinance. The DT1 zone was for a more urban, multi-story use. He struggled with the proposed amendment because the applicant's property was directly across the street from DT2 which had even higher uses than DT1. He was torn with allowing interim uses that might not be that interim, especially if others came in with similar proposals. He did not feel that one story was the vision for this area. Mr. Maxfield clarified that once the development was outside the 60 feet they were required to build two or more stories.

Mr. Knecht said they were making this amendment to accommodate a particular business. If they started getting unintended consequences they could modify or change the ordinance. Mr. Maxfield agreed saying they could study the issue in more detail and report back to the council any proposed changes within the next few months.

Chair Santiago said she liked having a variety of building heights, especially scaling it down in the transitional zones along the perimeter where it bordered residential zones. She understood that the developer wanted to build a one-story building with the lower ceiling height of 12 feet instead of 14 feet. Mr. Maxfield clarified that they could build one story if they were within the 60 foot transition zone. If they were outside the 60 feet they were required to build two or more stories.

Mr. Harding noted that the Juice and Java proposed site was on a mixed block but further than 60 feet away from the DT1 zone so it would be required to have two stories. By changing the definition of the transition zone on a mixed block to the entire block it would become part of the transitional zone and a one story building would be allowed.

Chair Santiago invited public comment.

Matthew Taylor stated he was in favor of the amendment. One of the challenges downtowns faced was requiring too much development and too high density. If you did not have flexibility in the zoning a city might be denying development for a long time waiting for the big project to happen. He found that smaller scale developments actually increased pedestrian foot traffic because there was less distance between big projects. He felt there should be a transitional standard whether the development was on the same block or across the street from residential zones.

Mr. Knecht said he was in favor of having the street as a transition between commercial and residential. He asked Mr. Taylor how he felt about that. Mr. Taylor said it was not the intent to do away with transitional standards. The intent was to expand the transitional standard in some areas. It actually made it better to allow only one to three stories in those blocks that share residential and DT1 zones. From a design perspective, the hipped or gabled roof requirement helped a transition into a residential zone.

Mr. Maxfield clarified that the requirement for gabled roofs within the 60 foot transition was not being taken out. Buildings on DT1 property located adjacent to a residentially zoned property should be designed with a pitched or gabled roof when located within 60 feet of the DT1 zone.

Chair Santiago stated the height of the building was important because you would not see a gabled roof on a really tall building. She liked the transition of buildings where the height gradually increased rather than having them go straight up right along the sidewalk.

Mr. Maxfield suggested showing some transects for this area that would give a clearer picture of what they wanted. He could work on that and add it as soon as possible to avoid misinterpretation.

Mr. Parr expressed concern that Juice and Java had been moved out of their building now that construction on the new court building had begun. They were helping Juice and Java move to a new location. Juice and Java was paying their employees until the new building was completed so they were under some time constraints to start the development as soon as possible.

Cynthia Smith, Provo, said that when you had an eclectic city with buildings of different heights it added vibrancy and interest to the area. If it was just widening the scope of what was allowed

it would be a good thing. Next to the hospital they had strip malls that were all one story and it looked fine.

Chair Santiago closed public comment.

Mr. Van Buren said there was no question about making this change for Juice and Java. It seemed the council's concern was the impact it might have on other areas. He asked if the council could adopt the proposed ordinance and then follow it up with more clarification.

Chair Santiago said she preferred to continue it to the first meeting in September so they would be confident with the proposed changes before moving forward with it.

Mr. Knecht felt that if Juice and Java had people on the payroll it was about as time sensitive as they could get. They could pass this and, while it might not be perfect, they could modify it when staff was ready. He was not sure anyone would slip something in while they were modifying the ordinance.

Mr. Sewell agreed with approving it that night. He could sympathize with trying to pay employees without any revenue.

Mr. Stewart said he was also in favor of passing the ordinance that night.

Mr. Harding would feel a lot more comfortable if they added in a square footage requirement that would allow only small businesses like Juice and Java to build. Perhaps the proposal would be to leave the ordinance as is but allow buildings under a certain square footage to be one story with 12 foot ceilings, even if they were not in the transition zone. Staff could follow that up in a few weeks to iron out all the other issues and concerns. This would apply for the entire DT1 zone.

Mr. Jones felt it was problematic to add square footage requirements because they would be amending the entire zone without review by the planning commission. He presented the following amendment to the proposed ordinance under 14.21A.080 (Transitional Development Standards):

“Buildings in the DT1 zone, located directly across the street from, or on city blocks which also include properties within, an RC, R1, or PRO-R zone shall comply with the following standards.”

The standards shown in the ordinance would remain the same. He said it would only solve the block faces on the non-mixed use blocks. He did not know if that was enough to satisfy some of the council's concerns. Bill Peperone stated it was a valuable addition/correction to the ordinance.

Motion: Council Member David Sewell made a motion to approve the amendment to the ordinance as shown by Mr. Jones. The motion was seconded by Council Member George Stewart.

Chair Santiago stated that the building height across the street from residential zones had not been addressed. Before his proposed amendment the ordinance previously said that buildings in the DT1 zone, directly across the street from RC, R1, and PRO-R, could be between one and

three stories. The change that he proposed retained that requirement so the definition still included buildings across the street and not just buildings on a mixed use block. The full transition would apply to any building across the street.

Chair Santiago called for a vote on the motion to amend the ordinance.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Motion: Council Member George Stewart moved to approve **Ordinance 2016-23** as amended. The motion was seconded by Council Member Vernon K. Van Buren.

Mr. Harding felt they should wait a couple of weeks in order to get the ordinance right. He understood the desire to have it approved quickly. Juice and Java was a great business in the community but he did not think the city should be rushed into making this decision. He stated he would vote against it because he did not feel it was ready to be voted on.

Chair Santiago had agreed and was prepared to vote against the request until Mr. Jones explained his amendment to the ordinance. His amendment addressed her concern. She called for a vote on the motion to approve the amended ordinance.

Roll Call Vote: The motion passed 6:1 with Council Members Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor and Council Member Harding opposed.

7. Ordinance 2016-22 amending the Wastewater Fees on the Provo City Consolidated Fee Schedule. (16-097)

Chair Santiago reopened Item No. 7 at the request of Mr. Stewart.

Mr. Stewart asked to change his vote opposing the Wastewater fee changes because his thought they were voting on one or two ways to implement the fee changes, not on the intent to change the fees.

Since Mr. Stewart was not asking to “undo” the action, he was simply asking for his vote to be changed Mr. Jones stated that the record should reflect that Mr. Stewart voted in favor of Item No. 7 (Ordinance 2016-22).

15. Ordinance 2016-24 amending Provo City Code to change the maximum front yard setback in the SDP-5 Zone. North Lakeview Neighborhood. (16-00140A)

Mr. Maxfield explained that the proposed ordinance related to the Broadview Shores development. The proposed amendment would apply to the entire development with lot sizes of five thousand square feet (V1.5), six thousand square feet (V1.6), eight thousand square feet (V1.8), and ten thousand (V1.10) square feet. The maximum front yard setback for the main part of the home would be increased from 22 feet to 30 feet so the home could set back farther from the back of the sidewalk than currently allowed. The amendment would allow the garage to be

even with, or up to four feet in front of, the main part of the home. The garage was currently required to be a minimum of four feet behind the main part of the home.

Chair Santiago invited Brad Mackay, the applicant, to comment. He stated they were trying to clarify what was required in the development because the development agreement said one thing but the zoning text said another thing. Under the current zoning requirements, one-half acre lots would require a 20 foot setback from the street. The proposed amendment would allow them to be setback 30 feet from the street which would be more typical of a one-half acre lot. Mr. Mackay showed pictures of typical homes that would be built with the proposed amendment.

Mr. Harding clarified that in both the development agreement and the zoning text, the garage was required to have a 26 foot setback. As for the building setback, the development agreement stated the building needed to be a minimum of 20 feet and the zoning text added a maximum of 22 feet. Mr. Mackay said they were asking for a maximum setback of 30 feet because they were required to have a 26 foot setback for a 20 foot driveway. This would allow them to build the home up to four feet behind the garage.

Chair Santiago invited the Beth Alligood, Lakeview North Neighborhood Chair, to comment. Ms. Alligood wanted to share a comment about the Sunset Neighborhood item first. She had been working with Brian Maxfield to get as many people as possible on committees so they could start developing master plans for the west side sometime between September and November of this year.

Ms. Alligood stated that the neighborhood did not have any problems with the proposed amendment for Broadview Shores because it allowed for more variety of homes in the neighborhood. The main concern was that it seemed Ivory Homes was going back to the council every three months and asking for something different than was agreed to in the development agreement. Ivory Homes has really nice products and the neighborhood wouldn't mind if they built all the homes in the development. They just wanted to make sure that the standard would stay high and consistent if other developers came in.

Chair Santiago invited public comment. Cynthia Smith, Vineyard, stated she and her husband had bought a lot in the development. They wanted to build a home with a three car garage, which was one of the more popular Ivory Homes plans, but it would not be allowed without this amendment. It was a beautiful home and was well designed outside and inside. She understood that the original development agreement was based on homes that the previous developer was going to build. When Ivory Homes came in there were questions that needed to be resolved with different home designs.

Gregory Smith, Vineyard, taught at UVU and purchased a lot in the development. They were living in a two-bedroom apartment waiting for their home to be completed. Their building permit application had been in limbo since the first of June, waiting for these issues to get sorted out. He urged them to approve the amendment which was just fixing some glitches in a couple of documents so they could move into their new home as quickly as possible.

There were no more public comments.

Motion: Council Member David Sewell moved to approve **Ordinance 2016-24** as presented. The motion was seconded by Council Member Vernon K. Van Buren.

Mr. Harding felt that the proposed amendments were not just glitches. He said they would change the vision and feel of the neighborhood. The purpose of the setbacks was to build the homes closer to the sidewalks with the garages almost flush or behind the homes. That was the vision for the area when Ivory Homes purchased the development. The changes requested by Ivory Homes were not tweaks because they changed the original vision of the development. If the council approved this amendment they were changing the vision and eventual feel of the development.

Mr. Van Buren preferred the homes being offered by Ivory Homes and felt they were more inviting. The extreme examples of where the garage was 12 to 15 feet in front of the home would not be acceptable, but a four foot adjustment would not change the vision that much.

Chair Santiago called for a vote on the motion to approve the ordinance as written.

Roll Call Vote: The motion passed 6:1 with Council Members Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor and Council Member Harding opposed.

Adjournment

Motion: Council Member Vernon K. Van Buren moved to adjourn the meeting at 11:22 p.m. The motion was seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.